

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO.: 1:23-CR-00017
	:	
Plaintiff,	:	
	:	JUDGE DAVID A. RUIZ
v.	:	
	:	
JUGOSLAV VIDIC,	:	<u>DEFENDANT'S UNOPPOSED MOTION TO</u>
	:	<u>CONTINUE CHANGE OF PLEA HEARING/</u>
Defendant.	:	<u>STATUS CONFERENCE DATE TO</u>
	:	<u>FURTHER THE ENDS OF JUSTICE AND</u>
	:	<u>MEMORANDUM IN SUPPORT</u>

Now comes the Defendant, YUGOSLAV VIDIC, by and through his undersigned counsel, and respectfully moves this Honorable Court to enter an Order continuing the Change of Plea Hearing / Status Conference date of December 5, 2023 and the Notice of Intent to Plea deadline of December 1, 2023 pursuant to 18 U.S.C. §3161. The reasons for this Motion are more fully explained in the accompanying Memorandum in Support and are incorporated herein as if fully rewritten.

Respectfully submitted,

/s/ Daniel J. Misiewicz
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Counsel for Jugoslav Vidic

MEMORANDUM IN SUPPORT

The parties have been working tirelessly and continuously towards a potential resolution in the above referenced matter. The efforts have included numerous in-person and remote meetings with all parties present. The parties believe that they are close to a potential resolution but need additional time.

Defendant respectfully requests that this Honorable Court grant a one-week continuance of the Change of Plea Hearing/Status Conference until December 12, 2023. Defendant also requests that the Notice of Intent to Plea deadline is extended.

This request is being made in the interest of justice and not for purposes of delay. This case has voluminous discovery including Search Warrants; interviews in Croatian, English, and Serbian; documents in Croatian, English, and Serbian; Autopsy, Court, Military, and Pension records in Croatian, English, and Serbian; videos; numerous reports; miscellaneous materials; and expert witnesses. *See* 18 U.S.C. §3161.

18 U.S.C. §3161(h)(7)(B) provides for the extension of time for trial in situations such as this case and reads in pertinent part as follows:

(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this Section.

(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny counsel or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking in to account the exercise of due diligence.

Defendant, Jugoslav Vidic, is named in a two (2) count indictment. He is charged in Count 1 which alleges Fraud and Misuse of Visas, Permits, and Other Documents in violation of 18 U.S.C. § 1546(a). He is also charged in Counts 2 of the Indictment. Count 2 alleges False Statements to Law Enforcement in violation of 18 U.S.C. § 1001(a)(2).

This case involves complex factual and legal issues including allegations of terrorist activity, genocide, and war crimes. The discovery is voluminous and complex in nature including some records that are over thirty (30) years old. Counsel has been working diligently preparing and reviewing the materials with Mr. Vidic. However, it takes significant time to properly prepare a defense, research the relevant issues, and investigate the matter. In addition, there are language barriers that present additional challenges. The parties have been working towards a potential resolution but need additional time.

The Assistant United States Attorneys in charge of prosecution of this case, Matthew W. Shepherd, Jerome Teresinski, and Patrick Jasperse, do not oppose this Motion.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the Change of Plea Hearing / Status Conference date of December 5, 2023 for one week and all other dates and deadlines to further the ends of justice.

Respectfully submitted,

/s/ Daniel J. Misiewicz
DANIEL J. MISIEWICZ (0078106)
Counsel for Jugoslav Vidic

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of November, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of this Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel J. Misiewicz

DANIEL J. MISIEWICZ (0078106)

Counsel for Jugoslav Vidic